

17 KAR 4:020. Indigent Veterans' Burial Program.

RELATES TO: KRS 40.355, 40.357, 38 U.S.C. 101(2)

STATUTORY AUTHORITY: KRS 40.357(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.357(1) directs the Kentucky Department of Veterans Affairs (KDVA) to promulgate administrative regulations to implement the Indigent Veterans' Burial Program. This administrative regulation establishes rules to operate this program, including oversight by this department and required eligibility criteria applicable before state funds shall be used to defray funeral costs.

Section 1. Eligibility Criteria under KRS 40.355. To be eligible for state funds to defray the costs of funeral expenses for burial in a cemetery in Kentucky, private or public, the following requirements shall be met:

- (1) The deceased shall be a veteran as defined by 38 U.S.C. 101(2) and as verified by discharge records; and who:
 - (2) The deceased shall have died in Kentucky.
 - (3) The deceased shall have been indigent at the time of death, meaning:
 - (a) The deceased's estate did not possess money or other assets to pay for or defray the costs of the deceased's funeral;
 - (b) There was not a person obligated by law to pay for the funeral expenses of the deceased; and
 - (c) After diligent efforts, there was not a funeral home, cemetery, veteran service organization, or entity that was able to obtain funds to pay funeral expenses from another private or public source;
 - (4) Priority shall be given to an indigent veteran whose records indicate that the veteran had established Kentucky residency prior to death so that General Funds expended to defray funeral costs shall be used for the citizens of Kentucky first.
 - (5) The following records may be used to establish state residency:
 - (a) Military service records, such as a DD Form 214;
 - (b) The deceased's driver's license; or
 - (c) Another official record clearly showing the deceased was a Kentucky resident.

Section 2. Reimbursement. The amount of reimbursement authorized is limited as follows:

- (1) Except as provided by subsection (2) of this section, the department shall reimburse a cemetery or funeral home its costs for burying an indigent veteran.
- (2) The maximum amount reimbursed shall not exceed \$1,000 per indigent veteran.

Section 3. Application Process. (1) To request state funds to defray the funeral costs of an eligible indigent veteran, each funeral home, cemetery, veterans service organization, private citizen, or other entity shall submit an Indigent Veteran Burial Application, designated as KDVA Form 6.

(2) State and federal veterans cemetery priority. Each funeral home, cemetery, veteran service organization, or other entity seeking defrayment of burial costs shall first seek burial of the indigent veteran in a state or federal veterans cemetery before considering burial in another cemetery.

Section 4. Approval Process. (1) The final decision to approve an Indigent Burial Application shall be made by the Commissioner, Kentucky Department of Veterans Affairs.

- (2) In the absence of the commissioner, approval authority shall be delegated to the deputy

commissioner or, in the absence of both the commissioner and the deputy commissioner, approval authority shall be delegated to the staff assistant in charge of Kentucky Veterans Cemeteries.

(3) The approval authority shall decide whether the deceased meets the eligibility criteria established in this administrative regulation, and, if so, shall approve funds to defray burial costs.

Section 5. Incorporation by Reference. (1) "Indigent Veteran Burial Application", KDVA Form 6", January 2009, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Veterans Affairs, 1111B Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (35 Ky.R. 1369; Am 1719; eff. 2-6-09.)